

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 5, 10, and 15 are pending in the present application; Claims 5, 10 and 15 having been amended; and Claims 3, 4, 8, 9, 13, and 14 having been canceled by way of the present amendment.

In the outstanding Office Action, Claims 5, 10, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaji et al. (U.S. 2002/0018136) in view of Masamitsu (JP 05-103245). This rejection is respectfully traversed.

Distinguishing features of the present invention can be found in the combination of Claim 5 including the last three paragraphs of Claim 5. These paragraphs recite:

AE control means for performing an AE control operation in accordance with the AE evaluation value with respect to an AE area, which is output by the AE evaluation value outputting means; and

AE setting means for performing an AE operation for an AF area in accordance with an AE evaluation value, for the AF area, independently from the AE control operation by the AE control means,

wherein, an AF operation is executed after the AE operation for the AF area is performed by the AE setting means for the AF area.

The AE setting means performs an AE operation for an AF area in accordance with the AE evaluation value for the AF area. This is done independently from the AE control operation by the AE control means. Thus, there are two separate AE operations, one for the AE area, and another for the AF area. Moreover, an AF operation is executed after the AE operation for the AF area is performed by the AE setting means for the AF area.

The structure and function of the present invention allows good focusing to be achieved, even when the AF area is darker than the AE area. In other words, it can be

determined that the AF area is darker and the gain is then correspondingly increased for the AF area based on the determination.

The features of the present invention can be found at paragraph [0055] of the published application corresponding to the present application. This paragraph states:

Further, because the AF area is generally smaller than the AE area, when only the AF area is dark, if an AF operation is performed using the AE which is used in the monitoring mode and the AF evaluation value is calculated by integrating the high frequency components of luminance signals which are extracted from luminance signals by the BPF 1.080, the evaluation value is calculated based upon the luminance signal which is not optimum for the AF area. Therefore, the increase or decrease of the AF evaluation value is small and the accuracy of focusing typically deteriorates. In this embodiment, therefore, an AF control operation is executed after an AE control operation for the AF area is performed.

In contrast to the invention recited in independent Claim 5, for example, Masamitsu (JP 05-103254) simply discloses that an exposure control section 8 increases a gain of a gain amplifier 10 in accordance with a photometric information transmitted from photometric element 7 by using a gain control signal. However, Masamitsu is silent as to the feature that the AE is executed based on the AE evaluation value obtained from the AF area. Therefore, it is not possible to have a different gain for the AF area in Masamitsu set independently from the AE control operation by the AE control means.

Accordingly, Claim 5 is patentable over the combination of Kaji et al. and Masamitsu. Independent Claims 10 and 15 recite the invention using varying language but these independent claims include features which also distinguish over Masamitsu for similar reasons as explained above.

Accordingly, the rejection of independent Claims 5, 10, and 15 under 35 U.S.C. § 103 is respectfully requested to be withdrawn.

Consequently, in light of the above discussion and in view of the present amendment, the present application is in condition for formal allowance and an early and favorable action to that effect is requested.

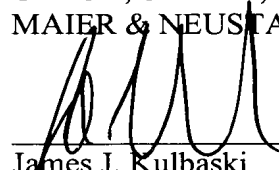
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Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'James J. Kulbaski', is written over a horizontal line.

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